

Mr. Harry J. Valentine  
Veterans' Service Officer  
State of Arizona  
409 Arizona State Bldg.,  
Phoenix, Arizona

June 24, 1937

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Re: Hodge, John B. XC-311 209

Dear Mr. Valentine ;

Your letter of June 24, 1937, in which you ask who is entitled to the possession of the body of John B. Hodge who died at the State Penitentiary a few days ago has come to my desk for attention.

There seems to be no question but that the relative, in this instance his sister, is entitled to the body. You will note that under Section 4653, Revised Code of Arizona, 1928, the duty of burial devolves upon the surviving spouse, or if there be none, upon the persons in the same degree, nearest of kin to the deceased.

You will also note from Section 4654 that no person has any right to attach or claim and detain a dead body for any charges, and such attempt is made a misdemeanor.

Nowhere in the statute is there any authority for the administrator of an estate taking possession of a dead body and holding it against the claim of relatives.

When Hodges died his term of imprisonment of course ended and he became as any other person who might have died in any circumstances. If as you say he was a veteran, then it appears to me that you should make some investigation under Sections 3222 to 3225, Revised Code of Arizona, 1928, to determine if the Veterans' Service Officer should aid in the arrangements for the burial and in sharing of the expenses if the same be necessary as provided in those sections.

Very truly yours,

JOE CONWAY  
Attorney General

E. G. FRAZIER  
Special Assistant  
Attorney General